

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ARIEL AZIEL BEY,)	
a/k/a MALANO JONES)	
Petitioner,)	Civil Action No. 1:18-cv-195 Erie
)	
v.)	Judge Susan Paradise Baxter
)	
COMMONWEALTH,)	
Respondent.)	

MEMORANDUM

Susan Paradise Baxter, District Judge

On July 1, 2018, Ariel Aziel Bey (the "Petitioner") (also known as Malano Jones) signed and executed the instant petition for a writ of habeas corpus and placed it in the prison mailing system. (ECF No. 1 at 15). In it, he challenged the judgment of sentence imposed upon him on June 5, 2018, by the Court of Common Pleas of Erie County ("the trial court") at criminal docket numbers CP-25-CR-1861-2017 and CP-25-CR-1862-2017. (Id. at 1).

Federal district courts have a pre-service duty to screen and summarily dismiss habeas petitions that plainly show the petitioner is not entitled to relief. See Rule 4 of the Rules Governing Section 2254 Cases In the United States District Courts. A review of the criminal docket sheets for the Petitioner's state cases, which are available to the public online and of which this Court may take judicial notice, establishes that on or around July 5, 2018, the trial court vacated the Petitioner's June 5, 2018 judgment of sentence and granted him a new trial. Accordingly, the Petitioner's request for federal habeas relief from his June 5, 2018 judgment of sentence is moot and his petition is dismissed for that reason. Because jurists of reason would not find it debatable whether the petition should be dismissed as moot, Slack v. McDaniel, 529 U.S. 473, 484 (2000), a certificate of appealability is denied.

An appropriate Order follows.

Dated: October 1, 2018

/s/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States District Judge

Notice by first class mail to all of the following:

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